

POTTERS & DELLA PIETRA LLP

COUNSELORS AT LAW

GARY POTTERS *
CHRISTOPHER V. DELLA PIETRA *

LAUREN H. BLAIR *
JODI S. BRODSKY *
MICHELE L. DELUCA *
DREW D. KRAUSE ■

* MEMBER OF NJ BAR
* MEMBER OF NY AND NJ BARS
* MEMBER OF NJ AND TN BARS
■ MEMBER OF NJ AND PA BARS

100 PASSAIC AVENUE • FAIRFIELD, NJ 07004

TEL (973) 575-5240 • FAX (973) 575-4468

www.pdplawfirm.com

MAILING ADDRESS:

P.O. BOX 657

WEST CALDWELL, NJ 07007-0657

NEW YORK OFFICE:
546 FIFTH AVENUE
NEW YORK, NY 10036
(212) 355-8555

December 17, 2015

By eFile and Regular Mail

Honorable Leda Dunne Wettre, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Federal Building and
U.S. Courthouse
50 Walnut Street, Room 4015
Newark, New Jersey 07102

Re: Golden, et al. v. New Jersey Institute of Technology, et al. v. FBI
Civil Action No. 2:15-cv-8559
PDP File No. 80321.50606

Dear Judge Wettre:

Perhaps the most compelling reason to hold a conference is to avoid the barrage of letters recently submitted to this Court by third-party defendant.

Contrary to the FBI's most recent letter, the exposure to NJIT is not hypothetical and speculative, but rather is very real. The ad damnum clause in plaintiffs' Complaint specifically seeks an award of attorneys' fees and costs. To date, plaintiffs have not waived this part of their claim.

Regarding the expenditure of resources, we attached as Exhibit B to our prior submission two Requests for Admissions. These Requests seek simply to confirm all redactions were made by the FBI and that the FBI directed NJIT to withhold the approximate 4,000 pages of documents. It defies credulity for the FBI to state NJIT will suffer no prejudice by staying this discovery. To the contrary, NJIT continues to confront the direct exposure of an adverse fee award.

For these reasons together with those set forth in our prior submission, we are strenuously opposed any stay of discovery and look forward to addressing this matter with your Honor.

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December 17, 2015

Page 2

Thank you.

Respectfully submitted,

POTTERS & DELL APIETRA LLP


Gary Potters

GP:af

c: Scott D. Levin, Esq. (by email)
Karen D. Stringer, Esq. (by eFile and email)
Bruce S. Rosen, Esq. (by eFile and email)
KatieLynn B. Townsend, Esq. (by email)
Adam A. Marshall, Esq. (by email)